

IN RE: PETITION FOR ZONING VARIANCE
NW/C Danshire & Coddington Roads
(8900 Danshire Road)
11th Election District
6th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

George W. Horne, et ux, and
Joseph P. Tribull, et ux
Petitioners

* Case No. 89-291-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners, Mr. & Mrs. Horne and their daughter and son-in-law, Mr. & Mrs. Tribull, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8900 Danshire Road, zoned D.R. 5.5, is currently improved with an existing single family dwelling which has been the Petitioners' residence for the past two years. At the time of purchase, the property was unimproved and the Petitioners were led to believe that when their home was built, the location of the structure would be such that a swimming pool could be placed in the rear of the property. Subsequently, the dwelling was constructed with the front facing Danshire Road leaving only the side yards available for the location of a swimming pool. Testimony presented indicated that the pool will be placed in the side yard abutting a grassy sloped area which will not be developed. Petitioners contacted the adjoining property owner who indicated he had no objections to their plans. To support Petitioners' testimony, Petitioners introduced as Exhibit 2 a copy

of a letter from Petitioners to Mr. Kim Strutt dated October 5, 1988 upon which Mr. Strutt signed his name and indicated his approval of their request. Testimony presented clearly indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of February, 1989 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk and such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333 887-3353

J. Robert Haines
Zoning Commissioner

February 3, 1989

Mr. & Mrs. George W. Horne
Mr. & Mrs. Joseph P. Tribull
8900 Danshire Road
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
NW/C Danshire & Coddington Roads
(8900 Danshire Road)
11th Election District - 6th Councilmanic District
George W. Horne, et ux & Joseph P. Tribull, et ux - Petitioners
Case No. 89-291-A

Dear Messrs. Horne & Tribull:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

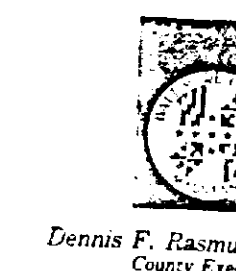
Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool) in the side yard in lieu of the required rear yard.

The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of JAN, 1989, at 2 o'clock, P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Nancy K. Horne and George W. Horne
Alice S. Tribull and Joseph P. Tribull
8900 Danshire Road
Baltimore, Maryland 21236

...hereby petition...for an in-ground swimming pool for the following reasons:

- 1) When we purchased this property, we were assured by the builder (Watson Homes) that there would be plenty of room for a deck and an in-ground swimming pool in our back yard. And this is why we bought this lot. However, the shape and path of Coddington Road was changed three (3) times by the developer (Strutt) and during the process, the size and placement of our lot (95) were altered--so much so, that our house, which was originally supposed to face Coddington Road was turned to face Danshire Rd. This change was necessary to accommodate the size of our house and to satisfy the minimum setback regulations. This loss of property caused our back yard to be only 22 ft. deep (measured from foundation wall to property line). We never suspected that we would have any problems, as our house was the first one on this block to be built, and all the other lots were just one large piece of undeveloped ground. It was impossible that there would ever be any variance requirements--and we had no idea of such a situation.

In the design of our house, two (2) sliding glass doors are placed; due to the house being turned around, these doors (in the rear of the house) face a 22' back yard. The sliding glass doors are designed to give access to a deck. This deck is 15' wide by 32' long. The problem we face is that a 15' ft. deck brings us within 7' of the property line. And, to make our dream of many years of a swimming pool come true, now, we have no choice but to have it installed on the side of our house (which is more than adequate for a 14'x32' in-ground pool) facing a woods which, according to the CRB meeting we recently attended, will always be there as a buffer; hence there will never be any building between our house and the tree line buffer.

- 2) The ground between our house (8900 Danshire Rd.) and 4304 Coddington Rd. (house behind us) is very muddy after the slightest amount of rainfall, and the lawn watering runoff from the other three properties (incl. 4304) further up the hill creates a very wet yard for us, and the ground stays muddy for 2-3 days. Since this piece of ground belongs to us, and we are taxed on it, we would greatly appreciate being permitted to use this 163K house & grounds in the fashion proposed, as the 22 ft. wide back yard leaves little room for anything else.

The above mentioned pool would be designed in such a way that it would enhance the appearance of our property, both rear and side. Approximately 80% of the occupied homes have or are building decks at the present. And there are several in-ground swimming pools in this

Property known as 8900 Danshire Road, Baltimore County, Maryland, is located on the northwest corner of Coddington Road and Danshire Road. Also known as Lot 95 as shown on Plat of Section Two, Silver Spring Station recorded among the land records of Baltimore County, Maryland in Plat Book E.H.K. Jr. 54 folio 119. Located in District 11, zoned DR 5.5.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Date of Posting: 1/18/89
Posted for: Variance
Petitioner: George W. Horne et al.
Location of property: 8900 Danshire Rd. & Coddington Rd.
Location of Sign: 8900 Danshire Rd. & Coddington Rd.
Remarks: 25' front yard, 15' side yard, 32' back yard
Posted by: J. Robert Haines
Date of return: 1/19/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 5, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zabe Orlan
Publisher

PO 67842
reg M25158
case 89-291-A
price 95.29

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the date and at the time set forth below.
Petition for Zoning Variance Case number: 89-291-A
NW/C Danshire and Coddington Roads
8900 Danshire Road
11th Election District
on the date and at the time set forth below.
Hearing Date: Wednesday, Jan 25, 1989 at 2:00 p.m.
Venue: to show an accessory structure (pool) in the side yard in lieu of the required rear yard.
In the event that the Petition is granted, a building permit may be issued within 15 days (30 day appeal period). However, no person shall be allowed to occupy the structure until the date of the hearing set forth below. Such request must be in writing and received in the office by the date of the hearing set forth below.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 1/6/89

Mr. & Mrs. George W. Horne
Mr. & Mrs. Joseph P. Tribull
8900 Danshire Road
Baltimore, Maryland 21236

Re: Petition for Zoning Variance
CASE NUMBER: 89-291-A
NW/C Danshire and Coddington Roads
8900 Danshire Road
11th Election District - 6th Councilmanic District
Petitioner(s): George W. Horne, et al
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$110.29 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 108, Towson, Maryland 21204, 15 minutes before

BALTIMORE COUNTY, MARYLAND		No. 003750
OFFICE OF FINANCE-REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: 1-25-89	ACCT/INT: 1-1-15-89	
AMOUNT: \$ 110.29		
RECEIVED FROM: George W. Horne		
FOR: Posting & Advertising (89-291-A)		
VALIDATION OR SIGNATURE OF CASHIER		
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

December 19, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-291-A
NAC Danshire and Coddington Roads
8900 Danshire Road
11th Election District - 6th Councilmanic District
Petitioner(s): George W. Horne, et al
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 2:00 p.m.

VARIANCE to allow an accessory structure (pool) in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: George W. Horne, et al
Michelle M. Soder
File

8900 Danshire Road - Silver Spring Station
Baltimore, Maryland 21236
(301) 256-4647 / 6517

October 5, 1988

Mr. Kim Strutt
The Strutt Group
54 Scott Adam Road
Cockeysville, Maryland 21030

Dear Mr. Strutt:

We met formally last November at a community meeting at the Grandstand Restaurant in Ferry Hall. I can hardly believe almost a year has passed since my husband and I chatted with you about our projected swimming pool, and you suggested we write you a letter in this regard.

Also, I had a chance to speak briefly about this matter with you and your father a couple of months ago while you were in the area near our home, and I said I'd get the information together and mail it to you as soon as I could.

Enclosed with this letter is a plat plan of our property, a pictorial representation of the in-ground pool we have been dreaming about since even before we moved here, and a copy of our pending order with the pool people.

We believe this pool will enhance our lives and our property and fit in with the general appearance of the development and the general aspirations of the people in this area. We have seen a number of similar pools in the neighborhood.

Please consider our petition to you, Mr. Strutt, and help make our dreams come true by granting us permission to go ahead with our plans as soon as possible. We would like to take advantage of the sale price being offered at present.

Thank you for your attention to this matter, and we hope we will be hearing from you soon.

Sincerely yours,

Alice S. Tribull

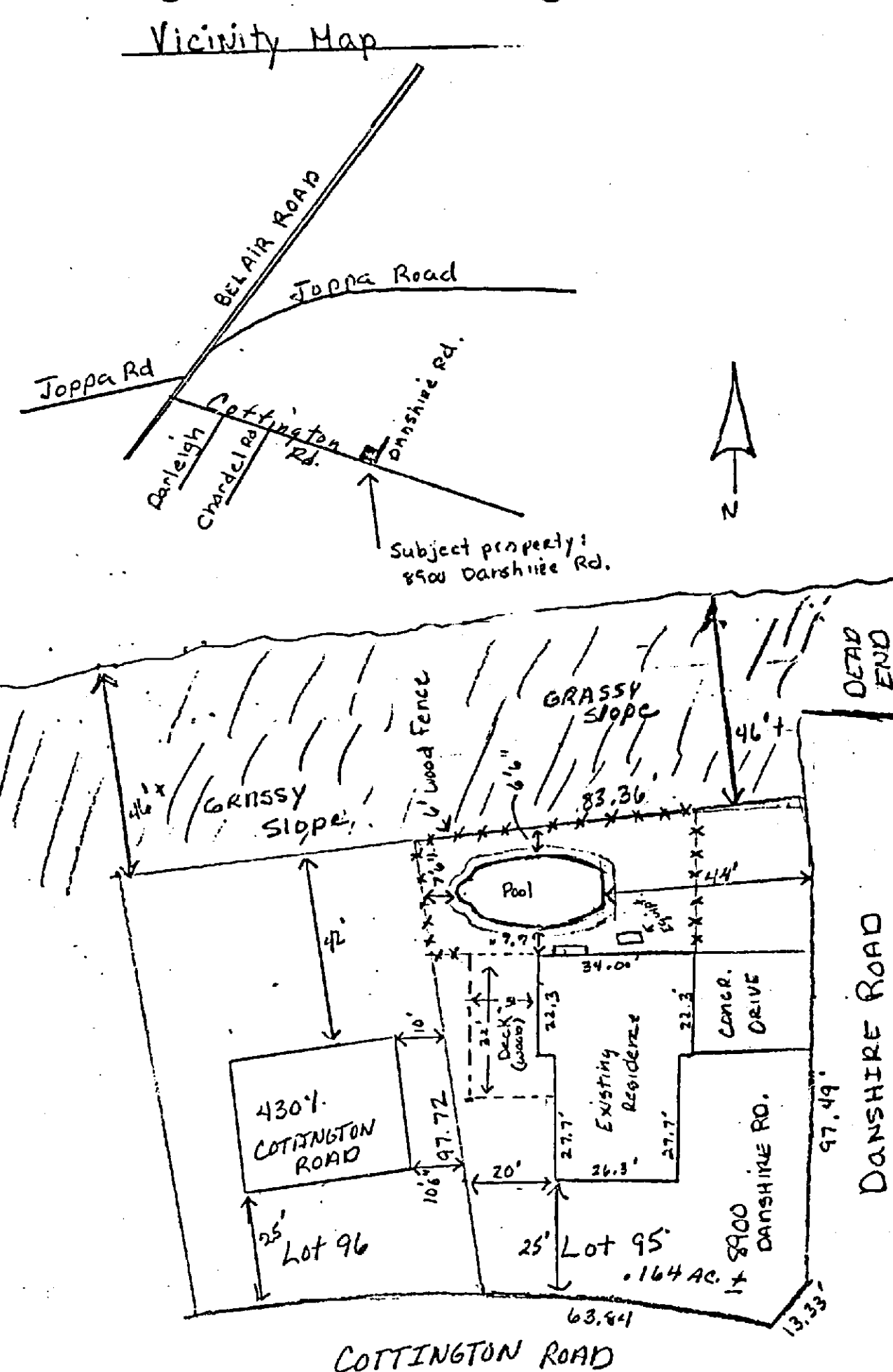
Joseph P. Tribull

Nancy K. Horne

George W. Horne

George W. Horne

1st
Enclosures (3)



PLAT FOR ZONING VARIANCE:
OWNERS: Nancy K. and George W. Horne
Alice S. and Joseph P. Tribull
District 11: Zoned D.R.S.5
Subdivision: Silver Spring Station
Lot 95, Plat Book E.H.K. Jr. 54, folio 119
Existing Utilities
Scale: 1"=30'
Lot Size: Front: 97.49'; Back: 97.72'; Side 1: 70.80'; Side 2: 83.36'

PETITIONER
EXHIBIT 1

89-291-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of November, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: George W. Horne, et ux
Petitioner's Attorney: Joseph P. Tribull, et ux
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: George W. Horne, et ux and Joseph P. Tribull,
et ux
Location: NW/4 Danshire & Coddington Rds.,
8900 Danshire Road
Item No.: 180
Zoning Agenda: Meeting of 11/9/88

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
Planning Group
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 19, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Ms. Michele L. Sader
M.A.P.S.
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 180; Case No. 89-291-A
Petitioner: George W. Horne, et al
Petition for Zoning Variance

Dear Ms. Sader:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

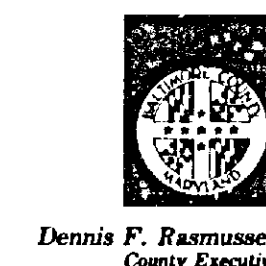
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:scj

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(410) 887-3554

November 25, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ZAC - Meeting of November 9, 1988
Item Nos. 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Michael S. Flanagan
Traffic Engineer Associate II

MSF/lvw

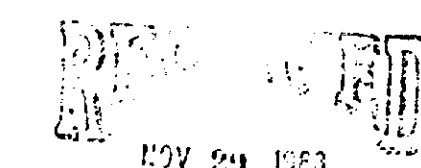
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: January 20, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 89-291-A

The Office of Planning and Zoning has no comment on the above petition.

FK/sf



NOV 29 1988
ZONING OFFICE

RECEIVED
JAN 23 1989

ZONING OFFICE